

Board of Zoning Appeals  
James City County Government Complex  
Board Room, Building F

Oct. 2, 2014 - 7 p.m.

**A. Roll Call**

**B. Old Business**

**C. New Business**

1. ZA-0004-2014. 9441 Richmond Rd.

**D. Minutes**

Sept. 11, 2014 - ZA-0003-2014 - 15 Waterford Court

**E. Matters of Special Privilege**

**F. Adjournment**

## **MEMORANDUM**

**TO:** Honorable Chairman and Members of the Board of Zoning Appeals

**FROM:** John Rogerson, Senior Zoning Officer

**DATE:** October 2, 2014

**SUBJECT:** **ZA-0004-2014**      **9441 Richmond road**

---

### **FACTS:**

Mr. M. Anderson Bradshaw has applied on behalf of the property owner William B. Jones, Trustee, for a variance to Section 24-215(a), Setback requirements, and to Section 24-217(a) Yard regulations of the Code of James City County. The specific variances requested are: to reduce the front setback from 50 feet to 38.7 feet and to reduce the side yard on the West side from 15 feet to 11.1 feet to allow the continued placement of the existing manufactured home that is currently on the lot. This property is currently zoned A-1, General Agriculture and can further be identified as JCC RE Tax Map No. 0240100049.

### **FINDINGS:**

There was a house and a garage located on the property at 9441 Richmond Road that was destroyed by fire in June of 2012. Over the course of the next two years staff had received several complaints and had visited the property several times to see about possible zoning violations. The complaints were a result of a camper being moved onto the property and the burning of trash and debris on site. Staff was able to conclude that there was no one living in the camper and the Fire Marshal's office was made aware of the burning taking place on the property.

During the Spring of 2014 staff was in contact with the property owner about the possibility of placing a manufactured home on the property. Staff explained that manufactured homes were a permitted use and that would be allowed. Zoning staff made several site visits over the next month or two to meet the property owner and talk about clearing taking place and the abundance of material located on the property.

While meeting with the property owner, Mr. Jones and the proposed tenant Mr. Aguilar on site, staff discussed the placement of the proposed manufactured home on the property. Staff advised them that the proposed manufactured home had to be a minimum of 50 feet from the front property line and a minimum of 15 feet from the side property lines.

During this site visit that it came to staff's attention that both Mr. Jones and Mr. Aguilar wear hearing aids. Mr. Jones said that his hearing aid does not work that well and he sometimes turns it off; and Mr. Aguilar is deaf and cannot understand anyone unless he is looking at them when they speak. The property owner and Mr. Aguilar said that they thought the manufactured home had to be 50 feet from the edge of pavement from Richmond Road, so they placed the manufactured home on the concrete slab where the old house had been located, they even pointed out that they moved the manufactured home back two feet from where the house was previously located.

On July 8, 2014 a building permit application was submitted to Building Safety and Permits by Mr. Larry Aguilar for the placement of a manufactured home on the property. A site plan showing the proposed manufactured home on the property was submitted, but it was not drawn to scale, staff approved the application anyway. Staff thought that the discussions they had with the owner and applicant on site were sufficient and that the property owner and applicant were aware of the required setbacks. After the manufactured home was placed on the lot, staff received a complaint about the location of the manufactured home in regards to the setbacks.

A site visit by staff revealed that the new manufactured home did not meet the current setback requirements of 50 feet from the front property line and had doubts about it meeting the side yard setbacks as well. It was at that time that staff required the property owner to get the property surveyed so we could identify any encroachments into the required setbacks. A new survey was done by LandTech Resources on August 21, 2014. The most recent survey showed that the manufactured home encroached into the required front yard setback of 50 feet by approximately 11.3 feet. Additionally, it showed the manufactured home encroached into the required side yard setback of 15 feet by approximately 3.9 feet. The proposed variance would result in a front setback of 38.7 feet and a side setback of 11.1 feet.

Steps will be required at the doors on the front to allow for entry and exit. These steps, along with a landing, are not considered a part of the building line and may encroach an additional three feet into the setback.

Please note that the most recent survey was different from a previous survey done by the same surveying company on February 5, 2007. The most recent survey showed a possible "overlap" of the adjoining property. The most recent survey was also different from the deed description in the attached package. This potential property line dispute will need to be settled between the owners' of the properties and is a private matter. The variance takes into account the more restrictive property lines, so regardless of the property line dispute the location of the manufactured home will meet the variance as requested.

#### RECOMMENDATION:

Staff recognizes that the initial approval of the building permit should not have happened since the site plan was not to scale and understands there may have been issues with communication, since both gentlemen have hearing aids. But, the strict application of the terms of the Zoning Ordinance does not produce an undue hardship nor does it effectively prohibit or unreasonable restrict the use of the property. The property is a half-acre in size and could support a single family dwelling and meet all existing setbacks. Therefore; staff cannot support this application. However; should the Board wish to grant the variance to reduce the front and side yard setback to allow the continued placement of the manufactured home, staff believes the variance would not alter the character of the area, as the previous house was located two feet closer to the front property line and two adjacent properties are also located closer than 50 feet from the front property line.

Attachments:

Location Map

**Survey 2014**

**Survey 2007**

**Deed**

**Building Permit Application**

**Resolution**

**Picture**

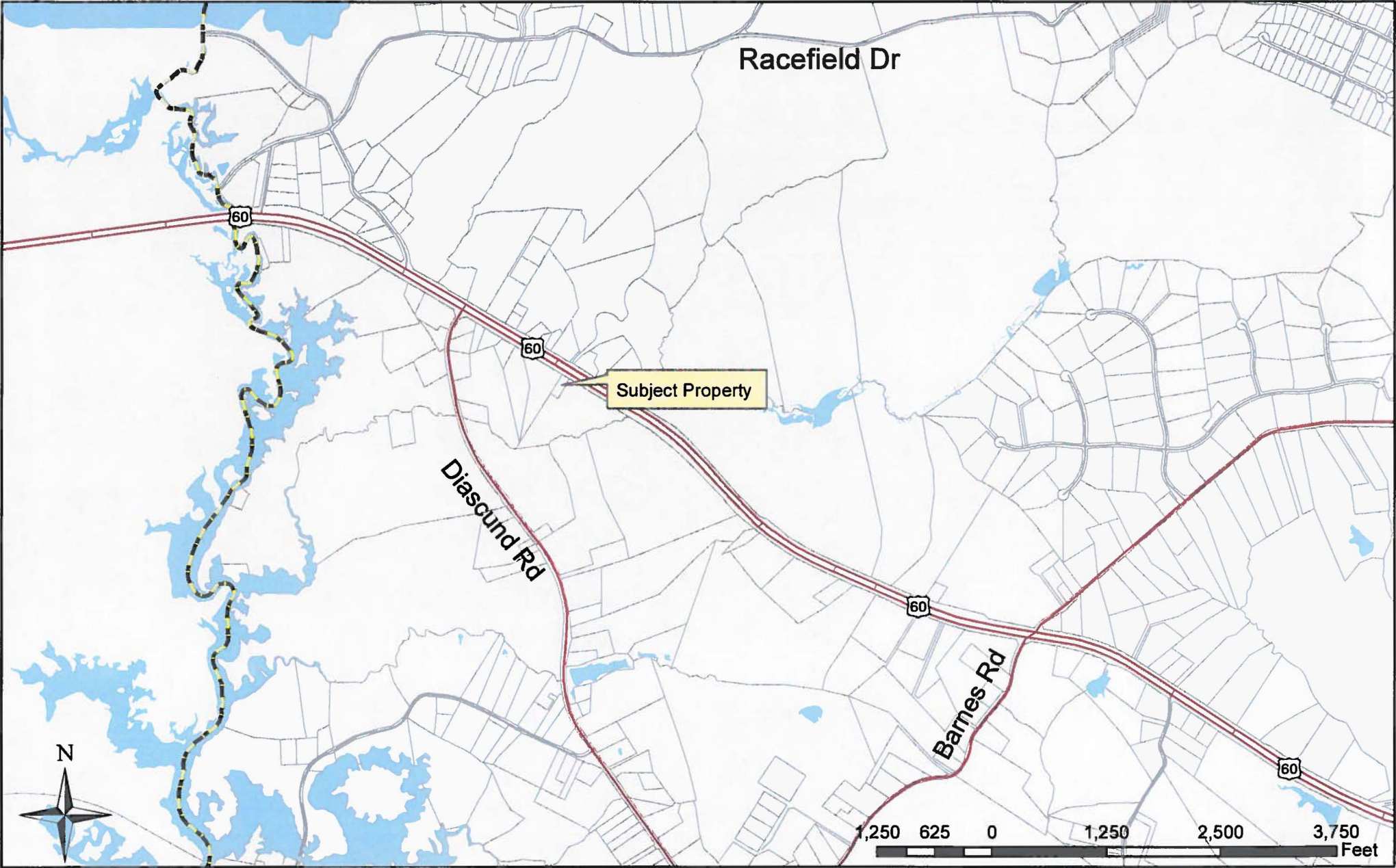
**BZA Application**



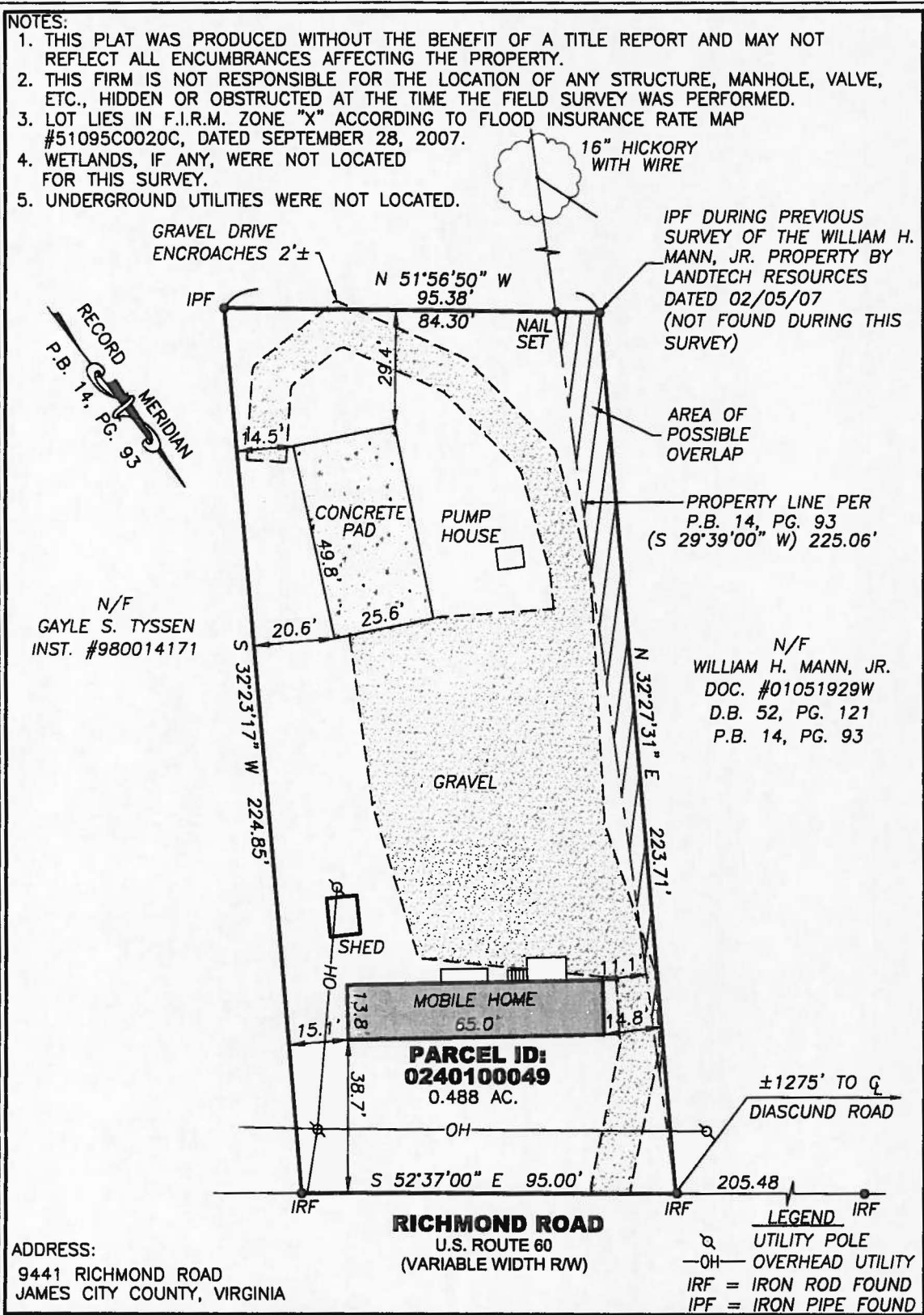
ZA-0004-2014 9441 Richmond Road

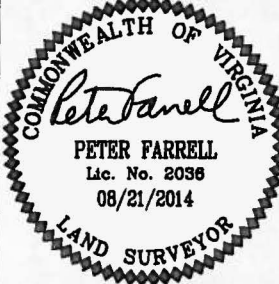


Tax Map #0240100049



PLANNING DIVISION  
AUG 29 2014



	REFERENCES: INST. #010006511 P.B. 14, PG. 93	PHYSICAL SURVEY OF 9441 RICHMOND ROAD <b>PARCEL ID: 0240100049</b> For: <b>WILLIAM JONES</b> JAMES CITY COUNTY VIRGINIA
	08/21/14 SCALE: 1"=30' JOB# 14-331 CAD File 14-331.dwg	<b>LandTech Resources, Inc.</b> Surveying • GPS • Engineering 3925 Midlands Road, Williamsburg, Virginia 23188 Telephone: 757-565-1677 Fax: 757-565-0782 Web: landtechresources.com



### OWNERS CERTIFICATE

THE SUBDIVISION OF LAND SHOWN ON THIS PLAT IS WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS OR TRUSTEES.

2-7-07  
DATE

*[Signature]*  
OWNER (SIGNATURE)

Joe Kwintt  
OWNER (PRINT)

### CERTIFICATE OF NOTARIZATION

STATE OF VIRGINIA

CITY/COUNTY OF YORK, I, MATTHEW H. CONNOLLY, A

NOTARY PUBLIC IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE PERSONS WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID.

GIVEN UNDER MY HAND THIS 17TH DAY OF FEBRUARY 2007

MY COMMISSION EXPIRES JULY 31st, 2007

*[Signature]*  
NOTARY PUBLIC

### CERTIFICATE OF SOURCE OF TITLE

THE PROPERTY SHOWN ON THIS PLAT WAS CONVEYED TO WILLIAM H. MANN, JR. FROM WILLIAM H. MANN, JR. AND PARISH W. MANN (WHO DIED TESTATE ON JUNE 14, 2001) BY LIST OF HEIRS RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF JAMES CITY, VIRGINIA IN INSTRUMENT # 01051929

### SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE OR BELIEF, THIS PLAT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY.

2/05/07  
DATE

*[Signature]*  
MATTHEW H. CONNOLLY, L.S. # 002053

### CERTIFICATE OF APPROVAL

THIS SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

2/26/07  
DATE

*[Signature]*  
VIRGINIA DEPARTMENT OF TRANSPORTATION

2-9-07  
DATE

*[Signature]*  
VIRGINIA DEPARTMENT OF HEALTH

2/20/07  
DATE

*[Signature]*  
SUBDIVISION AGENT OF JAMES CITY COUNTY

### STATE OF VIRGINIA, JAMES CITY COUNTY

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF JAMES CITY THE DAY OF 2007.

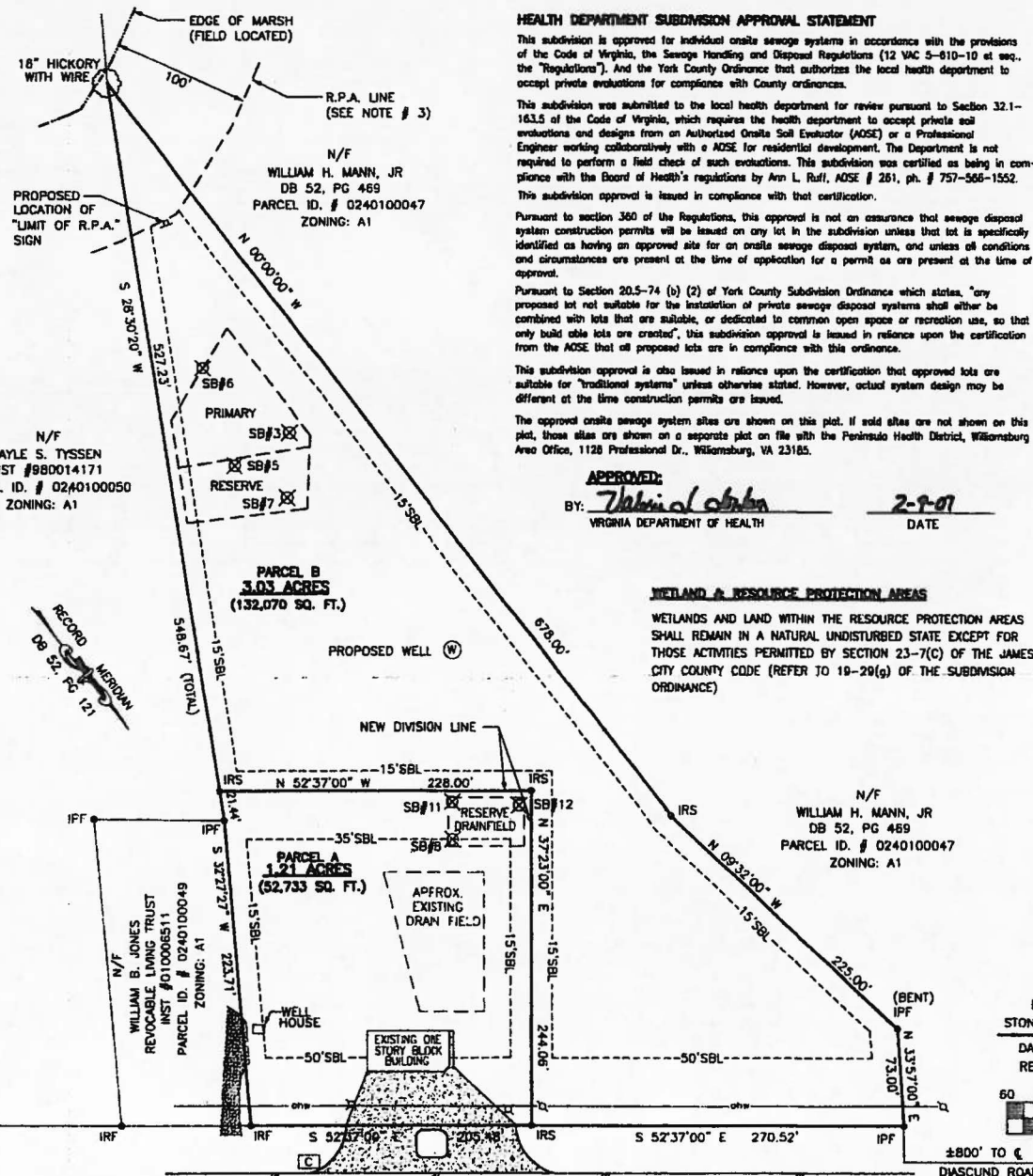
THIS MAP WAS PRESENTED AND ADMITTED TO RECORD AS THE LAW DIRECTS IN INSTRUMENT #

TESTE

BY \_\_\_\_\_ CLERK

### GENERAL NOTES

1. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT REFLECT ALL ENCUMBRANCES, EASEMENTS, ETC., ON PROPERTIES SHOWN HEREON.
2. ALL NEW UTILITIES ARE TO BE PLACED UNDERGROUND.
3. WETLANDS NOT LOCATED FOR THIS SURVEY - R.P.A. LINE SHOWN HEREON IS SHOWN 100' FROM EDGE OF MARSH.
4. UNLESS OTHERWISE NOTED, ALL DRAINAGE EASEMENTS DESIGNATED ON THIS PLAT SHALL REMAIN PRIVATE.
5. ALL NEW MONUMENTS SHALL BE SET IN ACCORDANCE WITH SECTIONS 19-34 THRU 19-36 OF THE SUBDIVISION ORDINANCE.
6. ANY EXISTING UNUSED WELLS SHALL BE ABANDONED IN ACCORDANCE WITH STATE PRIVATE WELL REGULATIONS AND THE JAMES CITY COUNTY CODE.
7. THE PARCEL LIES GRAPHICALLY IN F.F.R.M. FLOOD ZONE "X" PER COMMUNITY PANEL 510201 00008, DATED FEBRUARY 6, 1991.
8. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
9. PARCEL A SHOWN IS CURRENTLY SERVED BY PRIVATE WELL AND SEPTIC SYSTEM. PARCEL B SHOWN TO BE SERVED BY PRIVATE WELL AND SEPTIC SYSTEM.
10. SEPTIC TANK AND SOILS INFORMATION SHOULD BE VERIFIED AND REEVALUATED BY THE HEALTH DEPARTMENT PRIOR TO ANY NEW CONSTRUCTION.
11. ALL OUTDOOR SIGNS ON THE PROPERTIES WITHIN THE DISTRICT SHALL COMPLY WITH THE REGULATIONS FOR EXTERIOR SIGNS IN ARTICLE 8, DIVISION 3 OF THIS CHAPTER.



### HEALTH DEPARTMENT SUBDIVISION APPROVAL STATEMENT

This subdivision is approved for individual onsite sewage systems in accordance with the provisions of the Code of Virginia, the Sewage Handling and Disposal Regulations (12 VAC 5-610-10 et seq., the "Regulations"). And the York County Ordinance that authorizes the local health department to accept private evaluations for compliance with County ordinances.

This subdivision was submitted to the local health department for review pursuant to Section 32.1-163.5 of the Code of Virginia, which requires the health department to accept private soil evaluations and designs from an Authorized Onsite Soil Evaluator (AOSE) or a Professional Engineer working collaboratively with an AOSE for residential development. The Department is not required to perform a field check of such evaluations. This subdivision was certified as being in compliance with the Board of Health's regulations by Ann L. Ruff, AOSE # 261, ph. # 757-566-1552. This subdivision approval is issued in compliance with that certification.

Pursuant to section 360 of the Regulations, this approval is not an assurance that sewage disposal system construction permits will be issued on any lot in the subdivision unless that lot is specifically identified as having an approved site for an onsite sewage disposal system, and unless all conditions and circumstances are present at the time of application for a permit as are present at the time of this approval.

Pursuant to Section 20.5-74 (b) (2) of York County Subdivision Ordinance which states, "any proposed lot not suitable for the installation of private sewage disposal systems shall either be combined with lots that are suitable, or dedicated to common open space or recreation use, so that only buildable lots are created", this subdivision approval is issued in reliance upon the certification from the AOSE that all proposed lots are in compliance with this ordinance.

This subdivision approval is also issued in reliance upon the certification that approved lots are suitable for "traditional systems" unless otherwise stated. However, actual system design may be different at the time construction permits are issued.

The approved onsite sewage system sites are shown on this plat. If sold sites are not shown on this plat, those sites are shown on a separate plat on file with the Peninsula Health District, Williamsburg Area Office, 1128 Professional Dr., Williamsburg, VA 23185.

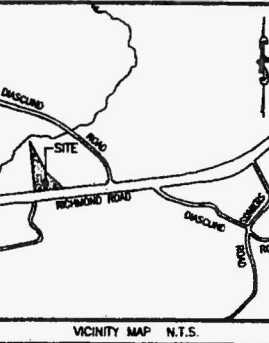
### APPROVED:

BY: *[Signature]*  
VIRGINIA DEPARTMENT OF HEALTH

2-9-07  
DATE

### WETLAND & RESOURCE PROTECTION AREAS

WETLANDS AND LAND WITHIN THE RESOURCE PROTECTION AREAS SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES PERMITTED BY SECTION 23-7(C) OF THE JAMES CITY COUNTY CODE (REFER TO 19-29(g) OF THE SUBDIVISION ORDINANCE)



### PROPERTY INFORMATION

ZONING DISTRICT: A1  
PARCEL ID: 0240100048  
ADDRESS: 9447 RICHMOND RD

### BUILDING SETBACKS

FRONT: 50'  
SIDE: 15'  
REAR: 35'

### LEGEND

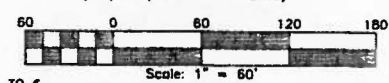
- IRF = Iron Rod Found
- IPF = Iron Pipe Found
- IRS = Iron Rod Set
- [Symbol] = Communication Box
- [Symbol] = Soil Boring
- [Symbol] = Utility Pole
- [Symbol] = Light Pole



### SUBDIVISION PLAT OF LAND LOCATED AT #9447 RICHMOND ROAD

BEING IDENTIFIED AS PARCEL #0240100048  
STONEHOUSE DISTRICT, JAMES CITY COUNTY, VIRGINIA

DATE 12/19/06 SCALE 1"=60' JOB# 05-478  
REV. 2/05/07 (COUNTY COMMENTS)



**LandTech Resources, Inc.**  
Surveying • Mapping • Land Design

5810-F Mooretown Road, Williamsburg, VA 23186  
Phone: (757) 565-1677 Fax: (757) 565-0782  
web: landtechresources.com

THIS PLAT IS NOT APPROVED.  
Planning

Consideration \$1,000.00

BOOK 110 PAGE 600

THIS DEED, Made this 20th day of April, 1977, by and between JENNIE M. STEWART, Widow, acting by and through William B. Stewart, her Attorney in Fact, party of the first part, and RICHARD H. STEWART and EDYTHE E. STEWART, His Wife, and WILLIAM B. STEWART and BETTY O. STEWART, His Wife, parties of the second part.

WITNESSETH: That for and in consideration of the sum of Ten (\$10.00) Dollars, cash in hand paid to the party of the first part, at and before the sealing and delivery of this deed, the receipt whereof is hereby acknowledged, and other good and valuable considerations, the said party of the first part does hereby grant with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE unto the said parties of the second part, the following property, to-wit:

All that certain lot, piece or parcel of land, with improvements thereon, situated in Stonehouse District, (formerly Powhatan District), James City County, Virginia, fronting on State Highway No. 60, and more particularly described as follows: Commencing at an iron post marking corner between the property hereby conveyed and the property of W. H. Mann, Jr.; thence along the southerly edge of said Highway No. 60, the distance of ninety-five (95) feet to an iron post; thence extending back between parallel lines the distance of 225 feet; the westerly line of the parcel hereby conveyed coincides with the line of the property of W. H. Mann, Jr. Being a parallelogram in shape, and being the same property conveyed to Jennie M. Stewart by deed dated April 20, 1963, from Richard H. Stewart and Edythe E. Stewart, husband and wife, and duly recorded in the Clerk's Office of the Circuit Court of James City County, Virginia, in Deed Book 90, page 531.

This deed is executed under and by virtue of a Power of Attorney from the party of the first part herein to William B. Stewart, dated April 14, 1977, and recorded in the Clerk's Office of the Circuit Court of James City County, Virginia, in Deed Book 175, Page 257.

WITNESS the following signature and seal:

Jennie M. Stewart (SEAL)  
Jennie M. Stewart

BY William B. Stewart  
Her Attorney in Fact





# Application for Building Permit

## Contractor Information

License No.: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone No.: ( ) \_\_\_\_\_ Fax No.: ( ) \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_

## Owner Information

Name: LARRY AGUILAR II  
Address: 101 KIDGFIELD DRIVE  
City: TOAND State: VA Zip: 23168  
Phone No.: (157) 209 1764 Fax No.: (N/A)  
Email Address: LARRYAGUILAR@gmail.com  
Signature: \_\_\_\_\_  
Print name: LARRY AGUILAR II  
Agent: \_\_\_\_\_  
Print Name: \_\_\_\_\_

Description of Work: Place 2 BR man. home on existing parcel  
14x65 1978 (same location as house that burned)

## Location of Work

Tax Map No.: 024 01 00049  
Street Address: 9441 Richmond Rd.  
City: LANEXA State: VA Zip: 23089  
Zone: \_\_\_\_\_ Subdivision: \_\_\_\_\_

## Building Information

☐ Stories ☐ No. Rooms ☐ No. Baths ☐ No. Bath Fix  
No. Fireplaces ☐ Type: \_\_\_\_\_  
Exterior Finish: ☒ vinyl ☐ brick ☐ wood ☐ other \_\_\_\_\_  
Interior Finish: ☐ Gypsum ☐ wallboard ☐ wood ☐ other \_\_\_\_\_  
Flooring: ☒ carpet ☒ wood ☒ vinyl ☐ other \_\_\_\_\_  
Roofing: ☐ Asphalt ☐ fiberglass ☐ wood ☐ other metal  
Heat Type: ☐ gas ☐ heat pump ☐ electric ☐ other \_\_\_\_\_  
Air Conditioning Type: ☐ central ☐ window ☐ none  
Estimated Construction Value: 3500.00  
(Do not include Lot \$)

## (For Commercial Projects Only)

Site Plan No. \_\_\_\_\_ Date Approved: \_\_\_\_\_

## Mechanic's Lien Agent

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone No.: ( ) \_\_\_\_\_ Fax No.: ( ) \_\_\_\_\_  
Floor Area (sq.ft.): 910  
(Do not include Basement, Garage, and Deck/Porch)  
Deck (sq.ft.): \_\_\_\_\_  
Porch (sq.ft.): \_\_\_\_\_  
Basement Area (sq.ft.): \_\_\_\_\_  
Garage Area (sq.ft.): \_\_\_\_\_  
Total Area (sq.ft.): \_\_\_\_\_  
☒ Septic ☐ Public Sewer ☐ Grinder Pump ☒ Well  
☐ Public H<sub>2</sub>O Existing

## OFFICE USE ONLY

Special Flood Hazard Area: Yes ☐ No ☐ Zone \_\_\_\_\_

Lot Width: 92  
Lot Depth: 250  
Front Property Line: 55  
Right Property Line: 16  
Left Property Line: 18  
Rear Property Line: 137

Improvement Code: 14 manufactured  
Structure Used As: mobile home  
Occupancy Class: \_\_\_\_\_  
Occupancy Load: \_\_\_\_\_  
Type Construction: \_\_\_\_\_  
Zoning Approved: \_\_\_\_\_  
Zoning Disapproved: \_\_\_\_\_  
Plan Approved: \_\_\_\_\_  
Plan Disapproved: \_\_\_\_\_  
PLAN REVIEW FEE: \_\_\_\_\_  
PERMIT FEE: \_\_\_\_\_

## Notes:

PERMIT NO.: \_\_\_\_\_  
LINE NO.: 214-1017  
Date/Time In: 8/18/14  
Date Plan Reviewed: \_\_\_\_\_

AppliBuildPermit

Rev. 09-2012

Building Safety and Permits Division  
P: 757-253-6626  
buildingsafetyandpermits@jamescitycountyva.gov

101-E Mounts Bay Road, P.O. Box 8784  
F: 757-259-4038

Williamsburg, VA 23187-8784  
jamescitycountyva.gov

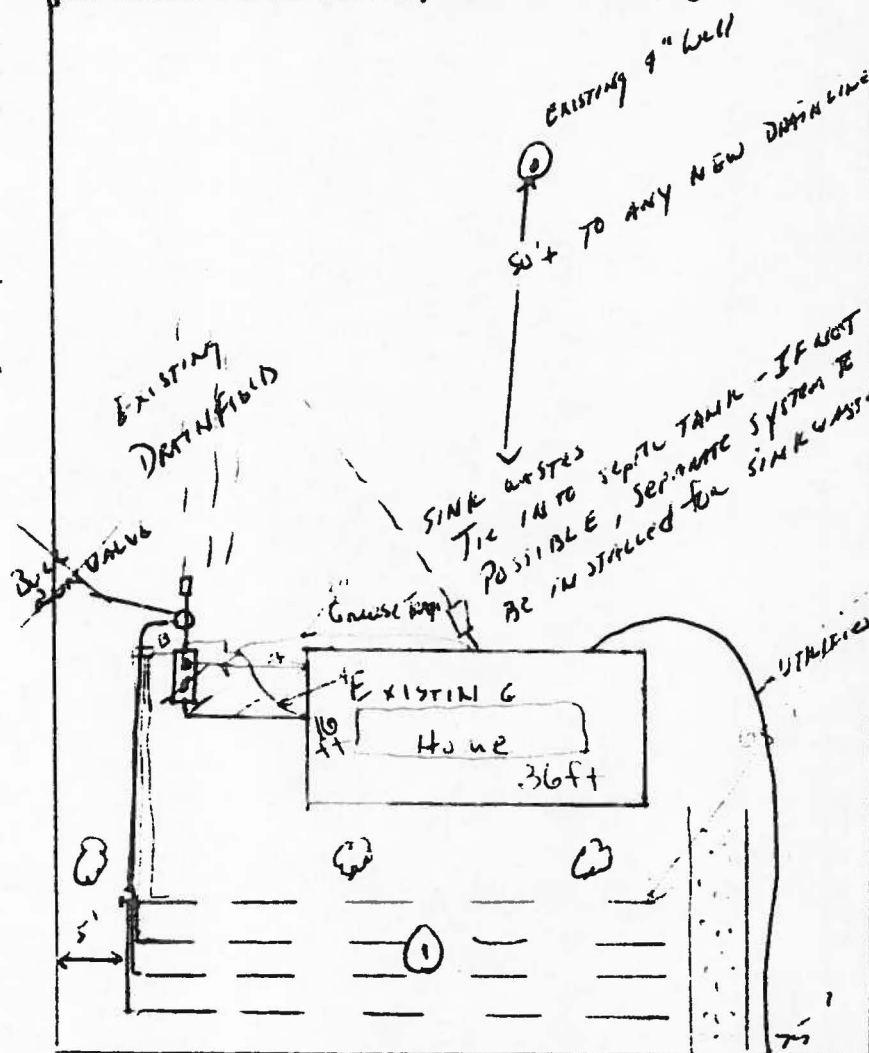
## Schematic drawing of sewage disposal system and topographic features.

PAGE 2 OF 2

Show the lot lines of the building lot and building site, sketch of property showing any topographic features which may impact on the design of the system, all existing and/or proposed structures including sewage disposal systems and wells within 100 feet of sewage disposal system reserve area. The schematic drawing of the sewage disposal system shall show sewer lines, pretreatment unit, pump station, conveyance system, and subsurface soil absorption system, reserve area, etc. When a nonpublic drinking water supply is to be located on the same lot show sources of pollution within 100 feet.

☐ The information required above has been drawn on the attached copy of the sketch submitted with the application. Attach additional sheets as necessary to illustrate the design.

No Scale



• Install 4' x 50' x 3' Drainlines on contour

• MAINTAIN the following Distances Required

EXISTING well to STRIDE - 50' +  
(OR NO closer than distance to EXISTING SYSTEM)

STRIDE TO HSE - 10'

TO PORCH - 5'

UTILITIES - 10'

• THIS APPEARS the best PLUMB SYSTEM available under EXISTING SITE CONDITIONS

A 13'

13 = 4

Richmond Rd

The sewage disposal system is to be constructed as specified by the permit ☒ or attached plans and specifications ☐

This sewage disposal system construction permit is null and void if (a) conditions are changed from those shown on the application (b) conditions are changed from those shown on the construction permit. If construction has not commenced within 12 months of date of issuance, the construction permit must be revalidated.

54

No part of any installation shall be covered or used until inspected, corrections made if necessary, and approved, by the local health department or unless expressly authorized by the local health dept. Any part of any installation which has been covered prior to approval shall be uncovered, if necessary, upon the direction of the Department.

Date: 18 Aug 87 Issued by:

D.P. Price

Sanitarian

Permit Expires

Date: 8/19/87 Reviewed by:

Larry W. Nye

Supervisory Sanitarian

2-18-92

If FHA or VA financing

Reviewed by Date

Date

Supervisory Sanitarian

Regional Sanitarian

C.H.S. 1000 Revised 1980

R E S O L U T I O N   Z A - 0 0 0 4 - 2 0 1 4

GRANTING A VARIANCE ON JCC RE TAX PARCEL NO. (0240100049)

**WHEREAS**, M. Anderson Bradshaw applicant for the property owner William B. Jones, Trustee has appeared before the Board of Zoning Appeals of James City County (the "Board") on October 2, 2014 to request variances on a parcel of property identified as JCC RE Tax Parcel No. (0240100049) and further identified as 9441 Richmond Road (the "Property") as set forth in the application ZA-0004-2014; and

**WHEREAS**, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record and discussed a motion to grant a variance to Section 24-215(a), Setback requirements, and to Section 24-217(a) Yard regulations of the Code of James City County. The specific variances requested are: to reduce the front setback from 50 feet to 38.7 feet and to reduce the side yard on the West side from 15 feet to 11.1 feet to allow the continued placement of the existing manufactured home that is currently on the lot. This property is currently zoned A-1, General Agriculture and can further be identified as JCC RE Tax Map No. 0240100049.

**NOW THEREFORE**, the Board of Zoning Appeals of James City County by a majority vote of its members FINDS that:

1. The strict application of Chapter 24 of the Code of James City County (the "County Code") would produce undue hardship.
2. The hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
4. By reason of the exceptional narrowness, shallowness, size or shape of the Property, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the Property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of Chapter 24 of the Code of James City County (the "County Code") would effectively prohibit or unreasonably restrict the utilization of the property.
5. Granting the variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant.
6. The variance will be in harmony with the intended spirit and purpose of Chapter 24 of the County Code.
7. The condition or situation of the Property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

**WHEREUPON, THE BOARD OF ZONING APPEALS OF JAMES CITY COUNTY  
ADOPTS THE FOLLOWING RESOLUTION:**

To grant a variance to Section 24-215(a), Setback requirements, and to Section 24-217(a) Yard regulations of the Code of James City County. The specific variances requested are: to reduce the front setback from 50 feet to 38.7 feet and to reduce the side yard on the West side from 15 feet to 11.1 feet to allow the continued placement of the existing manufactured home that is currently on the lot. This property is currently zoned A-1, General Agriculture and can further be identified as JCC RE Tax Map No. 0240100049. This variance is granted in accordance with the attached survey by LandTech Resources, Inc. and dated August 21, 2014 titled "Physical survey of 9441 Richmond Road Parcel ID: 0240100049 for William Jones" and dated with the Planning Division stamp August 29, 2014 which is attached hereto, made part hereof and incorporated into this resolution, provided that no further encroachments within the thirty-five 38.7 foot front yard setback with the exception of steps as necessary to enter and exit the manufactured home shall be permitted and no further encroachment within the 11.1 foot the side yard setback on the West side This property is currently zoned A-1, General Agriculture and can further be identified as JCC RE Tax Map No. 0240100049.

\_\_\_\_\_  
David Otey, Chair, Board of Zoning  
Appeals

October 2, 2014

ATTEST:

\_\_\_\_\_  
Secretary

	Votes		
	Aye	Nay	Abstain
Rhodes	___	___	___
Otey	___	___	___
Rodgers	___	___	___
Campana	___	___	___
Geib	___	___	___

File:  
ZA-0004-2014  
0240100049







## Board of Zoning Appeals Application

Date: 8/29/14

ZA: 0004-2014

Receipt No.: 6545

Please complete all sections of the application. Call 757-253-6671 if you have any questions, or go online to [jamescitycountyva.gov/zoning/board-zoning-appeals-procedures](http://jamescitycountyva.gov/zoning/board-zoning-appeals-procedures)

Please note that before accepting this application, County staff will verify that all real estate taxes owed for the subject properties have been paid in full in accordance with Section 24-24. If you are unsure if your payments are up-to-date, please contact the County Treasurer at 757-253-6705.

The applicant must provide the following information to support this application:

1. A plat of the property drawn to scale showing dimensions and locations of all structures, wells, septic systems and easements associated with the property.
2. A location sketch of the property showing all adjacent roads or right-of-ways and showing the nearest road intersection.
3. Building elevation drawings and/or topographical map if appropriate to request.

PLANNING DIVISION

AUG 29 2014

### 1. Project Information

Project Name: Manufactured Home

Address: ~~9144~~ Richmond Road, Lanexa, VA 23089

Zoning: A1

9441 Is site in PSA? Yes ☐ No ☒

Tax map and parcel ID: 0240100049

RECEIVED

### 2. Applicant/Contact Information

Name: M. Anderson Bradshaw

Company: M. Anderson Bradshaw, P.C.

Phone: 757 566 1282

Address: P. O. Box 456, Toano, VA 23168

Fax: 757 566 8807

Email: [anabradshaw@aol.com](mailto:anabradshaw@aol.com)

### 3. Property Owner Information

Name: William B. Jones, Trustee, William B. Jones Revocable Living Trust

Company: Phone: 757 566 0985

Address: 7214 Canal Street, Lanexa, VA 23089

Fax:

Email:



**4. Variance**

The above applicant respectively requests that the Board of Zoning Appeals grant a variance to Section 24 – 215(a) and 24-217(a) of the Zoning Ordinance.

The specific variance(s) requested are: Reduction of front setback from 50 feet to 38.7 feet.  
Reduction of side yard on west side from 15 feet to 11.1 feet. See enclosed plat of survey.

The variance is requested for the following reasons: Property owner placed foundation based on misunderstanding of setback being measured from pavement rather than from right-of-way.

Location is two feet further from right of way than prior dwelling destroyed by fire. Location is further from right of way than building immediately to the west. Property owner relied upon record description and pins found at front property corners for lot width of 95 feet, allowing 15 foot side yards for 65 foot manufactured home. Property owner assumed side lines were perpendicular to front. At request of Code Compliance, property owner obtained survey, showing sides not perpendicular to front and revealing overlap with owner to the west creating potential side yard shortage of 4 feet.

**5. Appeal**

The above applicant respectively requests that the Board of Zoning Appeals review the decision made on \_\_\_\_\_ date.

The following action is requested:

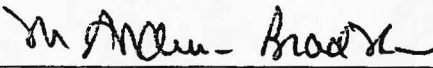
- \_\_\_\_\_ an interpretation of Section 24- \_\_\_\_\_ of the Zoning Ordinance
- \_\_\_\_\_ an interpretation of the Zoning Ordinance map
- \_\_\_\_\_ an appeal of an administrative decision

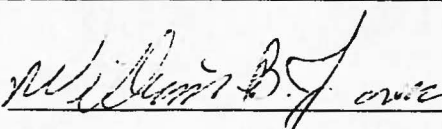
Explanation of appeal: \_\_\_\_\_

Has the applicant previously filed an appeal in connection with the property? (If yes, give the date of appeal.) \_\_\_\_\_

Explanation of purpose to which property will be put: \_\_\_\_\_

*The undersigned declares that the above statements and those contained in any exhibits transmitted to the Board of Zoning Appeals are true.*

Applicant Signature:  Date: 8/22/14

Property Owner Signature:  Date: 8-22-14

BZA\_APP

Rev 04\_12